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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,510	06/26/2000	Arthur Dale Burns	STUD-0001	2809

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/603,510

Applicant(s)

BURNS, ARTHUR DALE

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to After-final Amendment***

1. In view of the new 35 U.S.C. 101 rejections made of record, the finality of previous office action is withdrawn. The amendment filed 1-13-03 is hereby entered and the following non-final office action is made.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-8 and 16-22 are rejected as non-enabling because there is claimed in the independent claims "modules" which are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While the accepted meaning of "module" may include software and/or hardware (see dictionary reference made of record), the

software or hardware is not described in an enabling manner as set forth in the statute. Broad functionality of modules described is not sufficient without further description of the software (i.e. interface and implementation to perform task) / hardware (description of self-contained component) utilized. Applicant's arguments for support of enablement in the specification must include reference to where in applicant's specification such support is found.

Claims 9-22 are rejected as non-enabling because there is claimed in the independent claims an "Internet site" which are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While the accepted meaning of "site" may include software and/or hardware (see dictionary reference made of record), the software or hardware is not described in an enabling manner as set forth in the statute. Broad functionality of an Internet site described is not sufficient without further description of the software (i.e. files, scripts, and databases to perform the task) / hardware (description of server) utilized. Applicant's arguments for support of enablement in the specification must include reference to where in applicant's specification such support is found.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 16-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claim directed to an Internet site (as apparatus), not claiming any hardware, must include at least one positive recitation in the body of the claim defining structural (i.e. a server) and functional interrelationships between software and hardware components (a useful, concrete and tangible result produced). This permits the Internet site's functionality to be realized, as more than a manipulation of an abstract idea.

This rejection is included for an alternative interpretation of the claims where "module" is claiming software only.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et al in view of (Levine et al and Mottola et al).

Tengel et al discloses a loan qualification system and Internet site. An input module, associated with an Internet site, that presents at least one page to a loan applicant to assist said loan applicant in providing personal and loan information pertaining to a plurality of loans made to said loan applicant (fig, 5; col 8, lines 50-60).

A qualification module, associated with said input module, that assesses said personal information to determine a personal qualification of said loan applicant and assesses said loan information pertaining to said plurality of debts to determine a loan qualification of said loan applicant (figs 3a-3b; col 5, lines 29-67; col 6, lines 1-61)

The qualification module qualifying said loan applicant and informing said loan applicant and a lender only if said personal qualification and said loan qualification are positive (fig 6).

Tengel discloses loan guarantor information included in the personal information and aggregate loan debt of said loan applicant to determine said loan qualification (fig 5, "joint applicant"). The qualification module qualifies said loan applicant if an aggregate loan debt of said loan applicant exceeds a predetermined amount ( col 5, lines 55-62).

Since Tengal discloses requiring information concerning all of applicant's debts, this inherently includes whether the plurality of loans are from more than one lender to determine said loan qualification.

It would have been obvious to one with ordinary skill in the art to include a secured site to Tengel et al for the purposes of security of personal information.

Tengel et al does not disclose:

- loan consolidation;
- student loans as the loan;
- the site is associated with an affinity group; and
- student loans guaranteed by a government-sponsored program.

Levine et al discloses loan consolidation (col 1, lines 49-67; col 2, lines 1-12) and student loans as loans (col 7, lines 37).

It would have been obvious to one with ordinary skill in the art to include student loans as the loans to Tengel et al because Tengel et al teaches his invention may include personal loans (col 5, lines 24-25) and Levine et al teaches student loans as one type of loan (col 7, lines 30-46).

It would have been obvious to one with ordinary skill in the art to include loan consolidation to Tengel et al because Levine et al teaches financial advantages to loan consolidation (col 2, lines 1-5).

Mottola et al discloses affinity groups (col 6, lines 7-18) and government-sponsored programs to guarantee student loans (col 1, lines 22-25).

It would have been obvious to one with ordinary skill in the art to include a site associated with an affinity group to Tengal et al because Mottola et teaches such for investment purposes (col 5, lines 61-62).

It would have been obvious to one with ordinary skill in the art to include to Tengal et al the determination of the plurality of loans are guaranteed by government-sponsored programs because Mottola et al teaches that loan programs are known (col 1, line 19).

### ***Response to Arguments***

8. Applicant's arguments filed 1-13-2 have been fully considered but they are not persuasive.

Motivation is given in the rejection for the combination of the references as set forth in the office action.

Mottola et al does not teach away from the combining of affinity groups or use of governmental-sponsored programs to guarantee student loans.


**Conclusion**

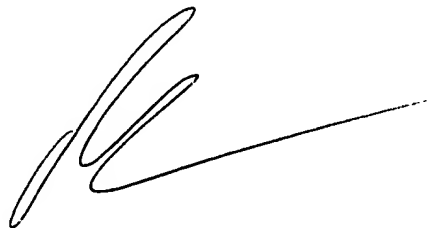
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The dictionary reference is made of record for definitions of "module" and web site".

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

  
Alain L. Bashore  
January 28, 2003



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600